IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 689 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE R.K.ABICHANDANI
and
Hon'ble MR.JUSTICE D.K.TRIVEDI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

RUKHSANA BANU AKBARKHAN PATHAN
Versus
STATE OF GUJARAT

Appearance:

MR NIRZAR S DESAI for Petitioner No. 1
Mr.K.P.Raval, learned Addl.P.P. for respondents Nos. 1 to 3
Mr.E.E.Saiyed for respondents Nos.4 and 6

CORAM : MR.JUSTICE R.K.ABICHANDANI
and
MR.JUSTICE D.K.TRIVEDI

Date of decision: 12/09/2001

ORAL JUDGEMENT

(Per : MR.JUSTICE R.K.ABICHANDANI)

Leave to delete respondent No.5 at the request of the learned counsel for the petitioner.

Rule. Mr.K.P.Raval, learned Addl. P.P. waives service of rule on behalf of respondents Nos.1 to 3 and Mr. E.E.Saiyed waives service of rule on behalf of respondents Nos.4 and 6.

Pursuant to the notice issued by us on 3.9.2001, the respondents Nos.4 and 6 are present. They have brought both the children before the Court. After some discussion about the custody of the children, the respondents Nos.4 and 6 have shown willingness to hand over their custody to the petitioner - mother. Accordingly the custody of daughter Aaliya, who is about 3 years of age and Mohamad Khalid, who is about 1 year of age, is handed over by the respondent No.4 -father and the respondent No.6 to the petitioner in the Court today. Petitioner has assured that she will take good care of both the children. As a fatherly gesture the respondent No.4 has stated before us that he will send Rs.2000/-per month for the maintenance of the children to the petitioner. The amount of maintenance for the children at the rate of Rs.2000/-- per month shall be sent to the petitioner on or before 10th of each month as stated by the learned counsel for the respondent No.4 and the respondent No.4 who is present in the court. The petitioner will allow the respondent No.4 to meet his children as and when he desires, after prior intimation. The petitioner has stated before us that she will not cause any harassment to the mother of the respondent No.4 and will not go to their house. This arrangement is without prejudice to the legal rights of the parties.

Rule is made absolute accordingly.

(R.K.Abichandani,J)

(D.K.Trivedi,J)